IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 28462 of 2006(L)

PETITIONER:

P.SAJITHA, AGED 32 YEARS,
W/O. ABDUL SALAM, LOWER DIVISION CLERK,
IQBAL HIGHER SECONDARY SCHOOL, KOLAVAYAL P.O.,
KANHANGAD, KASARAGOD DISTRICT, RESIDING AT
S.A.RAHMANIA MANZIL, BEACH ROAD, AVIKKARA,
KANHANGAD.

BY ADV. SRI.NOUSHAD THOTTATHIL

RESPONDENTS:

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1. THE MANAGER,
THE IQBAL HIGHER SECONDARY SCHOOL,
KOLAVAYAL P.O., KANHANGAD, KASARAGOD DISTRICT.

2. THE DISTRICT EDUCATIONAL OFFICER,
KANHANGAD, KASARAGOD DISTRICT.

3. MAJEED C.H.,
LOWER DIVISION CLERK, IQBAL HIGHER SECONDARY
SCHOOL, KOLAVAYAL P.O., KANHANGAD,
KASARAGOD DISTRICT.

4. RAFEEK B.N.,
LOWER DIVISION CLERK, IQBAL HIGHER SECONDARY
SCHOOL, KOLAVAYAL P.O., KANHANGAD,
KASARAGOD DISTRICT.

R1 & R2 BY GOVT. PLEADER SRI. T.T. MUHAMMED.
R3 BY ADV. SRI.M.RAMESH CHANDER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.28462 OF 2006

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Dated this the 8th day of December, 2006.

JUDGMENT

Petitioner challenges Ext.P3 before this court. According to the petitioner, she is legally entitled to continue in service notwithstanding the claim of the third respondent under Rule 51A of Chapter XIVA KER. Learned counsel for the third respondent points out that petitioner has already preferred Ext.P5 before the DEO.

2. Heard learned Government Pleader also. I feel that this is a case where the Educational Officer should examine the matter after hearing the affected parties.

In the circumstances, the writ petition is disposed of directing the second respondent to consider and take a decision on Ext.P5 in accordance with law, after hearing the petitioner and respondents 1, 3 and 4, within a period of six weeks from the date of receipt of a copy of this judgment. The interim order dated 8.11.2006 will continue till a decision is taken on Ext.P5.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.